

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Jose Lemus-Cruz
AKA Jose D. Aleman

Case No.

19-1375-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 12, 2019 in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

8 U.S.C. §§ 1326(a)

Offense Description

Illegal re-entry after removal

This criminal complaint is based on these facts:

See Attached Affidavit

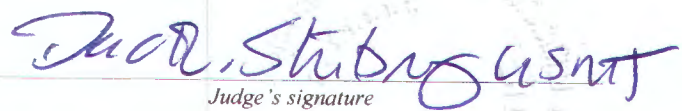
☒ Continued on the attached sheet.

Complainant's signature

Brenda Sloan Immigration and
Customs Enforcement

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/12/2019City and state: Philadelphia, PA

Judge's signature

Hon. David R. Strawbridge, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AFFIDAVIT

1. I, Brenda Sloan, am a Deportation Officer at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I served as a Border Patrol Agent beginning in May 2006, and I have served as a Deportation Officer with ICE since September 20, 2015. As a Deportation Officer, I conduct investigations related to violations of the Immigration and Nationality Act, specifically foreign-born nationals who have been deported from the United States and have subsequently re-entered the United States illegally. I am currently assigned to the ICE Enforcement and Removal Operations Philadelphia, Pennsylvania Field Office and my duties include investigating violations of Title 8 of the United States Code (“U.S.C”) to include violations of immigration offenses.

2. I have prepared this affidavit in support of a criminal complaint against JOSE DAVID LEMUS-CRUZ, (“LEMUS-CRUZ” AKA JOSE D. ALEMAN), because there is probable cause to believe LEMUS-CRUZ, an alien, re-entered the United States after removal, in violation of Title 8, U.S.C. § 1326(a).

3. On August 12, 2019, I received information that LEMUS-CRUZ had been arrested by the Philadelphia Police Department and charged with several crimes, including robbery, possession of instruments of crime and attempted theft by unlawful taking. Based on my training and experience, I know that any time a police department or other law enforcement agency runs the fingerprints of any alien who has previously been

encountered by ICE or another immigration agency, ICE receives electronic notification of this fact and any match to the alien's known fingerprint identification number. On August 12, 2019, I reviewed the electronic notification showing that the Philadelphia Police Department had recently run LEMUS-CRUZ's fingerprints, which suggested that LEMUS-CRUZ, with FBI# 528781PC9, had been encountered by the Philadelphia Police Department.

4. On August 12, 2019, I conducted a check in the National Crime Information Center ("NCIC") database for LEMUS-CRUZ's criminal history, as well as immigration history. Under the FBI number provided (528781PC9), I found that LEMUS-CRUZ had previous encounters with the U.S. Border Patrol. Further checks in the Enforcement Alien Removal Module ("EARM") database were conducted for LEMUS-CRUZ' immigration history in the United States. I found that LEMUS-CRUZ had been arrested by the U.S. Border Patrol on September 20, 2018 for illegally entering the United States. LEMUS-CRUZ was ordered removed from the United States by a designated official pursuant to Section 235(b)(1)(A)(iii) of the Immigration and Nationality Act, as amended, on September 20, 2018. LEMUS-CRUZ was subsequently removed from the United States on September 27, 2018.

5. Based on my training and experience, I know that ICE maintains a file on all aliens encountered by ICE. This file, known as the Alien File ("A File"), contains documentation relating to the alien, including his/her photograph, warrants of deportation, fingerprints, documents reflecting criminal history, documents reflecting the country of citizenship, and other documents. Each alien is assigned an identification number, referred

to as the "Alien Number." A Search of ICE databases revealed that JOSE DAVID LEMUS-CRUZ has been assigned Alien Number 201-349-892.

7. On August 12, 2019, I reviewed documents from the A File pertaining to JOSE DAVID LEMUS-CRUZ, with Alien Number 201-349-892. Based on a review of this file and DHS electronic records and databases, I have concluded that it does in fact pertain to JOSE DAVID LEMUS-CRUZ. The following representations are based on my review of the aforementioned records and databases:

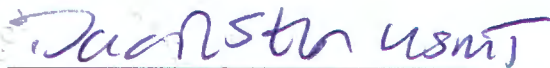
- a. LEMUS-CRUZ is a citizen and national of Honduras.
- b. LEMUS-CRUZ's date of birth is February 13, 1981 and this affidavit and the Complaint to which it is attached correctly reflect LEMUS-CRUZ's name.
- c. On September 20, 2018, LEMUS-CRUZ was served an Expedited Removal by U.S. Border Patrol pursuant to Section 235(b)(1)(A)(iii) of the Immigration and Nationality Act, as amended.
- d. On September 20, 2018, LEMUS-CRUZ was ordered removed by a designated official pursuant to Section 235(b)(1)(A)(iii) of the Immigration and Nationality Act, as amended.
- e. The United States, pursuant to a "Warrant of Deportation/Removal," removed LEMUS-CRUZ on or about September 27, 2018, through Harlingen, Texas, to Honduras.
- f. A search of ICE databases revealed that LEMUS-CRUZ did not seek permission of the United States Attorney General, or his successor, the Secretary of the Department of Homeland Security, to re-enter as required by 8 U.S.C. 1360(d).

8. Based on all of the foregoing, there is probable cause to conclude that JOSE DAVID LEMUS-CRUZ illegally re-entered the United States after removal, in violation of Title 8, U.S.C. § 1326(a). I therefore respectfully ask that the Court issue a warrant ordering his arrest for such crime.



BRENDA SLOAN
Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED TO AND SWORN TO BEFORE ME
THIS 12th DAY OF AUGUST 2019.



HONORABLE DAVID R. STRAWBRIDGE
United States Magistrate Judge